

Cass County Planning Commission Meeting
Thursday, October 22, 2015 at 7:00 a.m.
Cass County Highway Department Conference Room
1201 West Main Avenue in West Fargo
Agenda

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of May 27, 2015
5. New Business
 - A. Public Hearing Items
 - Haine Subdivision – A Minor subdivision in Section 2 of Amenia Township
 - Cenex Pipeline Subdivision – A Minor subdivision in Section 9 of Raymond Township
 - B. By-Laws
 - C. Planning Functions of Cass County
 - D. Subdivision Enforcement
6. Old Business
7. Adjournment

**CASS COUNTY PLANNING COMMISSION
MAY 27, 2015**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on May 27, 2015, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Loughheed, Keith Monson, Todd Ellig, David Gust, Mary Scherling, Mark Brodshaug and Mark Wentz. Mark Williams and Melissa Sobolik were absent. Also present was County Planner Hali Durand.

2. MINUTES, APPROVED

MOTION, passed

Mr. Ellig moved and Mr. Wentz seconded to approve the minutes of the March 26, 2015, meeting as presented. Motion carried.

3. JAHNKE FIRST SUBDIVISION (Minor Subdivision), Final plat approved

Mr. Loughheed opened the public hearing.

Ms. Durand stated that an application for a Minor Subdivision (plat) was received by the Cass County Planning Office for approval of a tract of land located in part of the Northeast Quarter of Section 3 in Maple River Township to plat two lots for sale and residential development. The said tract contains 6.236 acres of land, more or less. Ms. Durand indicated that she has requested a plat with easements. No public comments were received.

Ms. Durand said she recommends the approval of the Jahnke First Subdivision as it meets the goals and objectives of the Cass County Comprehensive Plan and the Cass County Subdivision Ordinance.

Mr. Ellig stated that his concern is with townships such as Stanley that may have an ordinance on the books allowing landowners to obtain building permits if a family member is building additional residences on their land, bypassing the County Subdivision Ordinance which makes it necessary for them to subdivide and plat.

Mr. Loughheed questioned the lands proximity to Buffalo Creek as that is known to flood. Ms. Durand indicated that the flood plain maps for that area are not yet available but the landowner has been advised of the concerns.

Ms. Durand stated that 80 acres less the 6.236 acres of land being platted will be deed restricted.

The public hearing was closed.

MOTION, passed

Mr. Ellig moved and Mr. Monson seconded to approve the Final Plat for Jahnke First Subdivision (Minor Subdivision) contingent on the receipt of elevation information from the landowners. Motion carried.

4. OTHER BUSINESS

Ms. Durand has received inquiries into the splitting of a parcel of land in Stanley Township. The owner would like to split the parcel into 4 lots but does not own enough land for the deed restrictions and the surrounding landowners would not be receptive to deed restricting their property for this development. The owner then requested that they be able to simply build on that single parcel but past building permits for previous owners have been denied due to water issues.

Mr. Ellig questioned the layout and access that is intended. He is a neighboring landowner and his opinion is that this is a problem waiting to happen. Every 3 to 4 years they are unable to plant a crop on the land in that area due to water. The last several owners have brought in loads of fill trying to get it high enough to no avail. Further discussion was had regarding flood plain data that is available. Mr. Gust would not approve multiple lots and the elevation would have to be raised considerably to develop the lot(s).

Ms. Durand provided an update on the tank facility/pipeline. She reviewed the information she has received up to this point. Subdivision applications will most likely come before the board in the near future. Discussion was held. Everyone agrees that the infrastructure is a real concern as the township roads are not capable of handling truck traffic.

5. ADJOURNMENT

On motion by Mr. Gust, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 7:50 AM.

Minutes prepared by DeAnn Buckhouse, Election Coordinator

Final Plat Report

Title: Haine Subdivision

Owner(s): Linda A Bernard, 15445 25 St SE, Amenia, ND 58004

Applicant: Linda Haine

Type of Request: Minor Subdivision (2 lots)

Status: Final Hearing at the October 22, 2015 Planning Commission Meeting

Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in a part of the Southeast Quarter of the Southwest Quarter of Section 2 in Amenia Township to plat two lots for the purpose of sale. The said tracts contains 9.54 acres of land, more or less.

Staff Analysis:

Subdivision Ordinance Consistency

The subdivision will use an existing private gravel driveway that accesses County Road 4; ditches will be utilized for storm water conveyance; Rush River Water Resource District will supply the water source; and the existing on-site sanitary wastewater treatment facilities will be utilized. The parcel(s) are not currently adjacent to any bodies of water or structures, and is in an area with no flood plain determination. There are no recorded plats within a 1000 foot buffer of the property. As per the township, the land use zoning is agricultural which allows non-farm dwellings as a permitted use and the minimum lot size is 2 acres. All existing easements are shown on the plat.

Agency Comments

The Cass County Engineer, Xcel Energy, Century Link, Cass Rural Water, and the Township have all commented that the proposed plat meets all requirements.

No comments have been received from the Water Resource District, Cass County Electric, or the County Sanitarian.

Recommendation:

To approve the Final Plat as presented and not require a deed restriction as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance.

PLAT LIMITS

To:
N1/4 Cor. Sec. 2
T141N, R52W
RLS 2958
Rec. No. 3438

PRELIMINARY PLAT OF HAINE SUBDIVISION

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 141 NORTH, RANGE 52 WEST OF THE 5TH PRINCIPAL MERIDIAN,
AMENIA TOWNSHIP, CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Linda A. Haine, whose address is 15445 25th St. SE, Amenia, ND is the owner and proprietor of a tract of land located in the Southwest Quarter of Section 2, Township 141 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:
Beginning at the southeast corner of the Southwest quarter of Section 2, T141N, R52W; thence West along the section line a distance of 187 feet to the true point of beginning; thence North parallel with the east line of said quarter section a distance of 340 feet; thence East parallel with the South line of said quarter section a distance of 87 feet; thence North parallel with the East line of said quarter section a distance of 880 feet; thence West parallel to the South line of said quarter section a distance of 573 feet; thence South parallel to the East line of said quarter section a distance of 680 feet; thence East parallel to the South line of said quarter section a distance of 340 feet more or less to the South line of said quarter section; thence East along the South line of said quarter section a distance of 110 feet more or less to the point of beginning, said tract contains 9.54 acres, more or less; subject to easements and rights of ways of record.

Said owners have caused the above described tract of land to be surveyed and platted as HAINE SUBDIVISION in the County of Cass and the State of North Dakota, and do hereby dedicate the utility easement for public utility purposes as shown on this plat.

LINDA A. HAINE
OWNER OF ALL OF HAINE SUBDIVISION

Linda A. Haine

STATE OF NORTH DAKOTA }
COUNTY OF CASS }

On this ____ day of _____, 2015, before me, a notary public, with and for said county, personally appeared Linda A. Haine, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as a free act and deed.

Notary Public
My commission expires:

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, Registered Land Surveyor, under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 2015.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA }
COUNTY OF RICHLAND }

On this ____ day of _____, 2015, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires:

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 2015.

Jason Benson, Cass County Engineer

AMENIA TOWNSHIP REVIEW

Reviewed by Amenia Township, Cass County, North Dakota this ____ day of _____, 2015.

Chairman

Attest: _____
Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2015.

Chairman

Attest: _____
Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2015.

Ken Loughheed, Chair

Attest: _____
Secretary

SW1/4 Section 2

Doc 1299607
Joseph Tamerius
JoAnne Sad
Cecilia Gonzalez
Jane Watson
Theresa Tamerius

SE1/4 Section 2

Doc 1299607
Joseph Tamerius
JoAnne Sad
Cecilia Gonzalez
Jane Watson
Theresa Tamerius

LEGEND

- = CORNER MARKED WITH A 5/8" X 18" SOLID IRON PIN WITH RED PLASTIC CAP MARKED "102258 506228"
- = EXISTING OR FOUND CORNER MONUMENT
- ⊙ = FOUND EXISTING IRON DEEP IN GROUND AND SET
- ⊙ = NEW IRON, 5/8" X 18" SOLID IRON PIN WITH RED CAP MARKED "102258 506228" ABOVE FOUND IRON, LEFT FOUND IRON UNDISTURBED
- △ = STEEL FENCE POST
- REC. = RECORD OR ORIGINAL DISTANCE
- MEA. = MEASURED DISTANCE THIS SURVEY
- DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
- NOTE: THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN

— OE — = OVERHEAD ELECTRIC LINE



107 South 2nd St.
Wahpeton, ND 58075
701-642-9404

SCALE: 1 inch = 60 feet



S89°39'47"E 2884.55'

To:
SW Cor. Sec. 2
T141N, R52W
5/8" Rebar
Rec. No. 3438

To:
SW Cor. Sec. 2
T141N, R52W
RLS 2958
Rec. No. 3438

To:
SE Cor. Sec. 2
T141N, R52W
Railroad Spike
Rec. No. 3440

Final Plat Report

Title: Cenex Pipeline Subdivision

Owner(s): HAJ Johnson Farm Properties LLLP, 21861 Caminito Drive Trabuco Canyon, CA 92679

Applicant: Harry Johnson

Type of Request: Minor Subdivision (1 lot)

Status: Final Hearing at the October 22, 2015 Planning Commission Meeting

Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in a portion of the Southeast Quarter of Section 9 in Raymond Township to plat one lot to develop a refined product storage facility/terminal. The said tract contains 65.965 acres of land, more or less.

Staff Analysis:

Subdivision Ordinance Consistency

The subdivision will use a public road that accesses 32nd Street SE and borders the railroad on the North and County Road 13 on the East; ditches will be utilized for storm water conveyance; Rush River Water Resource District will supply the water source; and an on-site sanitary wastewater treatment facility will be utilized. The parcel is currently adjacent to the Lower Branch Rush River, and is in an area with no flood plain determination. There are no recorded plats within a 1000 foot buffer of the property. As per the township, the land use zoning is agricultural which will require a change of use to Industrial and a Conditional Use Permit via the Township. All existing easements are shown on the plat.

Agency Comments

The Cass County Engineer, Xcel Energy, Cass Rural Water, and Century Link, have all commented that the proposed plat meets all requirements.

No comments have been received from the Water Resource District, Cass County Electric, or the County Sanitarian.

Recommendation:

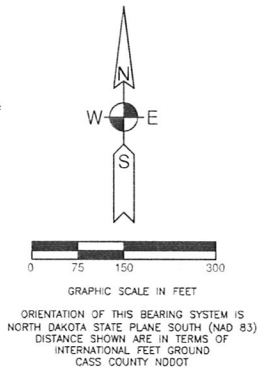
To approve the Final Plat as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance.

CENEX PIPELINE SUBDIVISION

A PORTION OF THE SOUTHEAST QUARTER, SECTION 9, TOWNSHIP 140 NORTH, RANGE 50 WEST
CASS COUNTY, NORTH DAKOTA



LEGEND	
●	MONUMENT FOUND
○	MONUMENT SET, 5/8" REBAR, CAPPED "LS-6703"
—	SUBJECT PROPERTY LINE
- - -	SECTION LINE
- - -	QUARTER SECTION LINE
- - -	EXISTING PROPERTY LINE
- - -	EASEMENT LINE



SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Gregg Stroeing, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Gregg Stroeing, Professional Land Surveyor
North Dakota License No. LS-6703

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2015,
before me, a notary public with and for said County, personally appeared Gregg Stroeing, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Cenex Pipeline, LLC a Minnesota Limited Liability Company whose address is Laurel, Montana as owner of a parcel of land located in the Southeast Quarter of Section 9, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

That part of the Southeast Quarter of Section 9, Township 140 North, Range 50 West, of the Fifth Principal Meridian, Cass County, North Dakota that lies southerly of the south line of the Burlington Northern Santa Fe Railway right of way line.

The above described parcel contains 65.965 acres more or less.

Said owner has caused the above described tract of land to be surveyed and plotted as CENEX PIPELINE SUBDIVISION to the County of Cass, State of North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and utility easements as shown on this plat except those easements shown hereon as existing.

OWNER:
Cenex Pipeline, LLC

By: _____
Richard S. Petersen, President

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2015, before me, a notary public with and for said County, personally appeared Richard S. Petersen, President, Cenex Pipeline, LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

RAYMOND TOWNSHIP APPROVAL

Approved by Raymond Township, Cass County, North Dakota
this _____ day of _____, 2015.

Dane Larsen, Chairman

CASS COUNTY ENGINEERS APPROVAL

Approved by the Cass County Engineer this _____ day of _____, 2015.

Jason Benson, County Engineer

CASS COUNTY PLANNING COMMISSION APPROVAL

Approved by the Cass County Planning Commission this
_____ day of _____, 2015.

Ken Loughheed, Chairman

Attest: _____
Secretary

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of Cass County Commissioners and
ordered filed this _____ day of _____, 2015.

Chad M. Peterson, Chairman

Attest: _____
Michael Montplaisir, Cass County Auditor

BNSF RAILROAD

SE 1/4
SECTION 9
T140N R50W

N01°47'00"W 5314.6

Existing 120 Foot wide Minnesota
Power Cooperative Electric Line
Easement Doc#429425, #581562

Existing 125 Foot wide Minnesota
Power Cooperative Electric Line
Easement Doc#1552743

Existing 50 Foot wide Cenex Pipeline, LLC
Pipeline and Communication Line Easement
Doc#740073, #743449, #911599

Existing 100 Foot wide BNSF Railroad
Right of Way

BNSF RAILROAD

COUNTY ROAD 13/168th AVENUE SE

COUNTY ROAD 13

Existing 17 Foot wide Cass County
Highway Easement Doc#222509

Existing 33 Foot wide
Statutory Right of Way

32ND STREET S.E.
N86°57'23"E-2548.99

32nd STREET SE

S86°57'23"W 2648.56

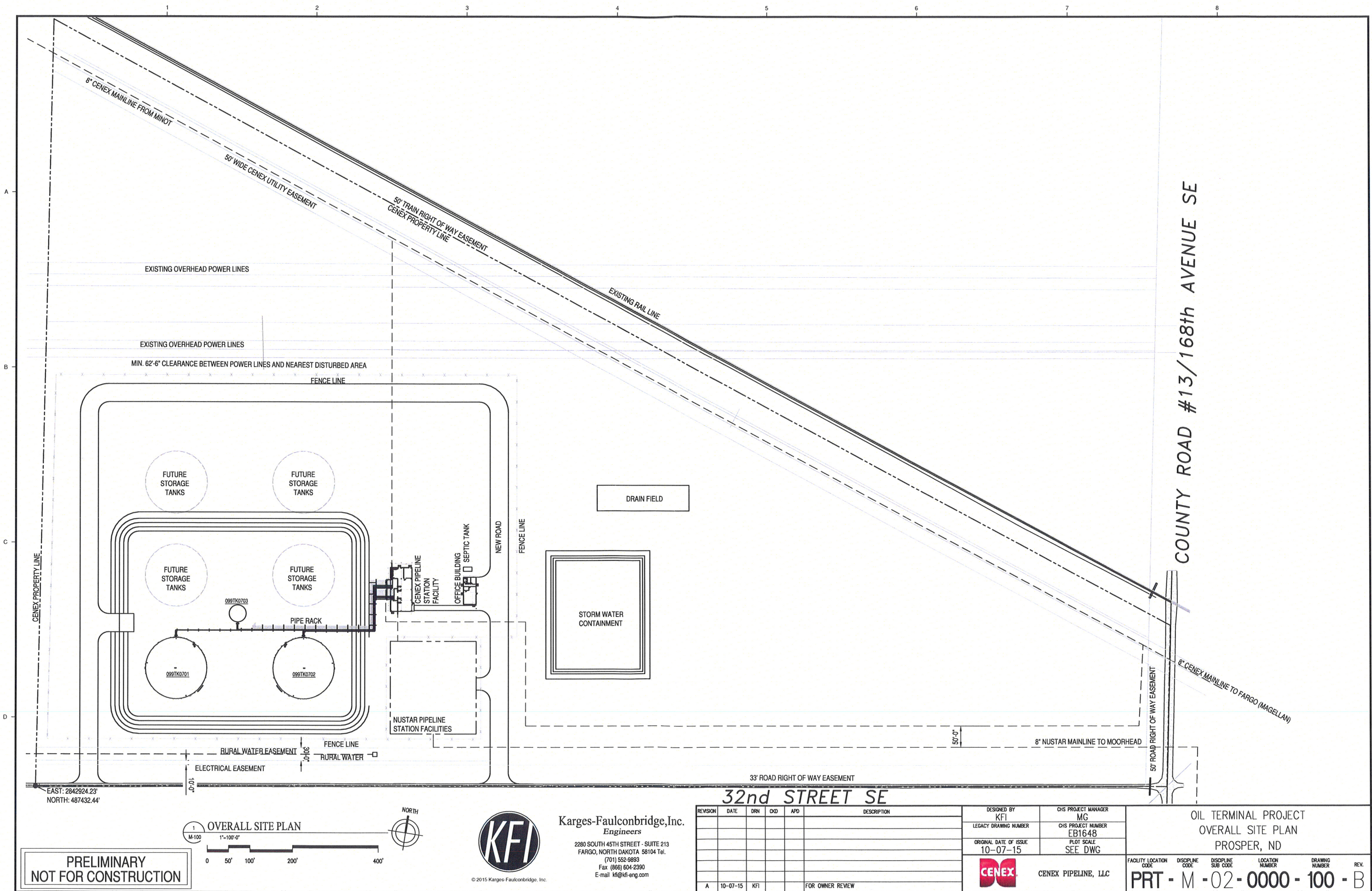
DOC 100130
DOC 101405

PREPARED BY

Ulteig

FARGO - BISMARCK - DETROIT LAKES - MINNEAPOLIS - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

PRELIMINARY



2.0 LOCATION

2.1 Project Study Area

NuStar defined its study area as a 1.0-mile-wide corridor (0.5 mile on either side of the proposed centerline) between, and including, the Fargo Pump Station site and the Mapleton Junction site (Study Area).

2.2 Preferred Location of Project Corridor and Route

NuStar is seeking approval of a corridor that will align with the survey corridor used for conducting environmental field surveys. The survey corridor is primarily 200 feet wide (centered on the proposed alignment), but also includes temporary workspace areas extending beyond the 200-foot-wide corridor, an approximate 2-acre block within the proposed Cenex Fargo Terminal site for the Fargo Pump Station, and an approximate 1-acre block for installation of Project facilities at the Mapleton Junction (collectively, the Corridor). At this time, the specific location of the approximate 2-acre site for the Fargo Pump Station within the 60-acre Cenex Fargo Terminal has not been identified, but will be identified prior to the hearing on the Consolidated Application. The location and width of the proposed Corridor are illustrated on the aerial maps in Appendix A. The location of the proposed route (Route) within the proposed Corridor is also depicted on the aerial maps provided in Appendix A.

NuStar's proposed Corridor and Route are the result of a thorough site analysis, and coordination with Cenex, landowners, local officials, agencies, and existing infrastructure owners. NuStar obtained and analyzed public and proprietary information to identify sensitive areas and features within the Study Area, such as exclusion and avoidance areas, populated areas, wetlands, waterbodies, natural resources, areas of cultural significance, and public lands. In addition, NuStar considered existing rights-of-way (ROWs) (e.g., pipelines and roads) in an effort to maximize co-location with other infrastructure, where appropriate. NuStar also sought input from affected landowners, agencies, local governments, and other infrastructure owners, and refined the Corridor and Route based on input received. NuStar completed civil and environmental field surveys and additional constructability reviews to further refine its Route. Ultimately, the Corridor and Route were selected, which meet the Project needs, comply with the Commission's siting criteria, and minimize impacts to landowners, the environment, and existing infrastructure.

Additional discussion of the factors considered in selecting the Corridor and the Route is provided in Sections 13.0, 16.0, 17.0, and 18.0 of this Consolidated Application.

3.0 PURPOSE AND NEED OF THE FACILITY

Between 2007 and 2013, consumption of petroleum products in North Dakota increased significantly—from 26,411 to 40,679 thousand barrels per year.¹ NuStar and Cenex expect

¹ See U.S. Energy Information Administration, *Total End-Use Energy Consumption Estimates 1960-2013, North Dakota*. Available at http://www.eia.gov/state/seds/data.cfm?incfile=/state/seds/sep_use/tx/use_tx_ND.html&sid=North Dakota. Accessed September 3, 2015.

this increased demand to continue or increase during the next 10 years. The Project, in conjunction with the proposed Cenex Fargo Terminal, will provide a connection between Cenex's existing Laurel Pipeline and NuStar's existing North System Pipeline. This connection will enhance the refined petroleum products supply capabilities of both systems and better ensure that the systems can efficiently meet this increased refined petroleum products customer demand.

Cenex's existing Laurel Pipeline extends from the Cenex Refinery in Laurel, Montana, through terminals in Montana and North Dakota, to Magellan Midstream Partners, L.P.'s West Fargo Tank Farm in Fargo, North Dakota. At the connected terminals, the refined petroleum products transported are distributed by customers (e.g., retail outlets and contract end-users) in North Dakota, Montana, and Minnesota.

NuStar's existing North System Pipeline extends from the Tesoro Refinery in Mandan, North Dakota, through NuStar terminals in Jamestown, North Dakota, and Moorhead and Sauk Center, Minnesota, to a terminal in Roseville, Minnesota. NuStar's North System Pipeline also transports refined petroleum products produced in Kansas, Oklahoma, and Texas, which are delivered to a terminal in Jamestown via a NuStar refined products pipeline extending north from Kansas. At the various terminals along the North System Pipeline, the refined petroleum products are distributed by customers (e.g., retail outlets and contract end-users) in North Dakota and Minnesota.

The Project will provide Cenex with greater refined product supply optionality through the use of NuStar's North System Pipeline. The North System Pipeline has a direct connection to the Tesoro Refinery in Mandan, North Dakota; a terminal connection to a pipeline transporting product from refineries in Kansas, Oklahoma, and Texas; and a terminal connection in Moorhead, Minnesota. Thus, the Project will enable Cenex to deliver refined petroleum products from multiple sources to its customers in the Fargo-Moorhead area via either its existing system or NuStar's system.

The Project will also enable NuStar to more efficiently distribute diesel fuel and gasoline within the state of North Dakota. The Project will allow NuStar to aggregate the gasoline and diesel fuel that comes off of Cenex's Laurel Pipeline at the Cenex Fargo Terminal with the supply from North Dakota, Kansas, Oklahoma, and Texas already transported by the North System Pipeline. The additional supply from Cenex's Laurel Pipeline will enable NuStar to take more gasoline and diesel fuel off of the North System Pipeline at the Jamestown terminals to meet the increased North Dakota demand, and still continue to fulfill refined petroleum product customer needs downstream at NuStar's Moorhead, Sauk Center, and Roseville terminals. As a result, NuStar will be able to convert and dedicate existing tanks at the Jamestown, North Dakota, terminals to gasoline and diesel fuel storage, which will increase the overall supply of gasoline and diesel fuel available to the North Dakota market. For example, NuStar will be better able to meet the gasoline and diesel fuel needs of North Dakota consumers from the centrally located Jamestown terminals during peak agricultural production periods. In essence, connecting to Cenex's refined products system will better enable NuStar to ensure refined petroleum product customers at its terminals (including the Jamestown and Moorhead terminals) receive the amounts and types of products required, and can meet the needs of both North Dakota and Minnesota consumers.

The Project will also provide direct benefits to local communities through temporary construction employment and additional property tax revenue. Additional indirect benefits will result from Project-related purchases of local goods and services, such as the purchase of local gravel for access roads, purchase of fuel, and restaurant and hotel expenditures by Project construction and operations personnel.

A map showing the existing Laurel Pipeline and North System Pipeline and the proposed Cenex Fargo Terminal and Project is provided in Appendix A.

4.0 PRODUCT

4.1 Type of Product to be Transmitted

The Project will transmit refined petroleum products (e.g., gasoline, diesel fuel).

4.2 Source of Product

The refined petroleum products to be transported by the Project will originate at the Laurel Refinery in Laurel, Montana, which refines Bakken light crude oil produced in North Dakota and Montana.

4.3 Final Destination of Product

The refined petroleum products transported by the Project will be delivered to NuStar refined products terminals located in Moorhead, Sauk Centre, and Roseville, Minnesota. From those terminals, the refined petroleum products will be delivered by customers to North Dakota and Minnesota consumers.

5.0 TECHNOLOGY TO BE DEPLOYED

The Project will be designed, constructed, maintained, inspected, and operated to meet or exceed the U.S. Department of Transportation (USDOT), Pipeline Hazardous Materials Safety Administration (PHMSA) regulations, and in accordance with industry standards and company policies. Technologies used to satisfy these requirements and standards include:

- use of an external protective coating and cathodic protection to prevent external pipeline corrosion;
- regular internal pipeline inspection using in-line inspection tools to detect internal anomalies, including corrosion or denting;
- regular aerial and foot patrols of the permanent ROW; and
- installation of a supervisory control and data acquisition system (SCADA) monitoring and alarm system that continuously monitors the flow and pressure of the system and triggers alarms for anything outside normal operating conditions.

Construction and installation of the pipeline will use different techniques to avoid or minimize impacts to sensitive areas and identified road, railroad, and ditch crossings, such as trenchless

~~FOR THE~~ CASS COUNTY PLANNING COMMISSION BY-LAWS
CASS COUNTY, NORTH DAKOTA

Article I - Purpose and Objectives

The purposes and objectives of the Cass County Planning Commission (herein after referred to as Commission) ~~—are any or all of~~ include the following:

1. To promote health, safety, public convenience, general prosperity, and public welfare.
2. To protect and guide the development of non-urban areas.
3. To secure safety from fire, flood, and other dangers.
4. To regulate and restrict: the erection, construction, reconstruction, alternation, repair, or use of buildings and structures; the height, number of stories, and size of buildings and structures; the percentage of a lot that may be occupied, the size of courtyards, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
5. To lessen governmental expenditures.
6. To conserve and develop natural resources.
7. To exercise the powers conferred upon the Commission by the North Dakota Century Code, and/or County Commission Home Rule Charter.

Article II - Membership

Section 1. Membership of the Commission shall be composed of nine members and ~~Members~~ shall be appointed as follows:

Member	Appointed By
1 Cass County Commissioner	Cass County Commission
1 Fargo City Commissioner	City of Fargo
1 West Fargo City Commissioner	City of West Fargo
1 County Resident	Cass County Township Officers Association
2 City of Fargo Residents	Cass County Commission
3 Rural County Residents	Cass County Commission

~~1 Cass County Commissioner, appointed by Commission annually.~~
~~1 Fargo City Commissioner, appointed by City annually.~~
~~1 West Fargo City Commissioner, appointed by City annually.~~

- ~~1 County resident nominated by Cass County Township Officers Association annual appointment.~~
- ~~2 City of Fargo residents appointed by County Commission.~~
- ~~3~~

Rural county residents ~~appointed by County Commission~~—~~these members~~ will not be bound by area or district, but it is recommended that the Commission attempt to appoint 1 person ~~from~~ North of the Metro Area, 1 person ~~from~~ ~~near~~ South of the Metro Areas, and 1 person ~~from~~ West of the Metro Area.

All appointments to the Commission shall be approved by the Cass County Board of Commissioners.

Section 2. Terms of Membership ~~are as follows:~~

<u>Member</u>	<u>Term</u>
<u>1 Cass County Commissioner</u>	<u>Annual</u>
<u>1 Fargo City Commissioner</u>	<u>Annual</u>
<u>1 West Fargo City Commissioner</u>	<u>Annual</u>
<u>1 County Resident</u>	<u>Annual</u>
<u>2 City of Fargo Residents</u>	<u>4 Years</u>
<u>3 Rural County Residents</u>	<u>2, 3, and 4 years, 4 years thereafter</u>

- ~~a) Members from the County Board, Township Officers Association and City Commissions serve annual appointments.~~
- ~~b) Remaining members shall serve 4 year terms, except that the initial terms of the 3 rural members should be 2, 3 and 4 years respectively with 4 year terms thereafter.~~
- ~~c) Appointments to filling vacancies shall be for the unexpired portion of the term.~~

Section 3. Absences

The Cass County Board of Commissioners shall be informed if any member inexcusably misses three consecutive meetings.

Article III - Officers

Section 1. Officers of the Commission, their duties, and tenures are as follows:

- ~~a) Chairman; ; ~~who~~~~ Shall preside at all meetings, call special meetings, sign any documents in the name of the Commission, appoint committees or committee members for specific functions, and ~~to~~ see that all actions of the Commission are properly taken. The Chairman shall be elected by the Commission membership for a period of one calendar year, each election taking place as the first item of business during the first meeting of each calendar year following approval of annual appointments to the Commission.

b) Vice-Chairman; ~~—who—~~ Shall exercise or assume all the duties and responsibilities of the Chairman in the event of absence, disability, or disqualification of the Chairman, ~~shall exercise or assume all the duties and responsibilities—~~ ~~—of the Chairman.~~ Election of the Vice-Chairman shall take place at the same time and in the same way as that of the Chairman.

c) Secretary: ~~—Who—~~ Shall be responsible for recording and keeping the minutes of all Commission meetings, ~~s~~, acting as custodian for all Commission records, and handling all funds allocated to the Commission. The County Auditor is required by Section II-33-05 of the North Dakota Century Code to serve as secretary of the Commission.

d) County Planner: ~~—who—~~ Shall be responsible for serving all notices required by the Commission, preparing an agenda for all Commission meetings, informing the Commission of correspondence requiring Commission decisions and attending to such correspondence. In addition, the County Planner shall conduct research and submit reports required by the Commission, and shall advise and recommend on any petition, request, or application being considered by the Commission.

e) State's Attorney: ~~who—~~ Shall be responsible for providing legal counsel to the Commission.

Article IV - Meetings

Section 1. The regular meeting of the Commission shall be held on the first-fourth Thursday of each calendar month; ~~the second Thursday of each calendar month shall serve as the alternative date should any meeting not be held on the first Thursday.~~ All meetings shall be in the Cass County Courthouse Highway Department. Any regular meeting may be adjourned to a different date, time, or location as long as such date, time, or location is specified and approved by a majority vote of a quorum of members. Each Commission member shall receive notice and an agenda for a regular meeting to be mailed not less than four days prior to the regular meeting date by the County Planner.

Section 2. Special Meetings may be called as needed by the Chairman or Vice-Chairman with a minimum of 24 hours notice to the rest of the membership.

Section 3. All meetings held by the Commission shall be open to the public.

Article V - Quorum

At any meeting of the Commission, a quorum shall consist of the simple majority of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting.

Article VI - Order of Business

Section 1. The order of business for regular meetings shall be:

- a) Call to ~~e~~Order by the Chairman or Vice-Chairman
- b) Roll Call
- c) Determination of a ~~q~~Quorum
- d) Approve Previous Meeting Minutes ~~of the previous meeting~~
- e) New Business ~~Old and new business~~
- f) ~~Correspondence~~ Old Business
- g) Adjournment

Section 2. All items of business considered at any meeting, with the exception of general administrative or policy discussion, must be specified on the agenda. Any additions to the agenda must be approved by the County Planner.

Article VII - Rules of Procedure

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order.

Article VIII - Miscellaneous Powers and Duties of the Commission

The Commission may:

- a) Recommend, consult with, and advise appropriate public officials, ~~and~~ agencies, public utilities, land developers; civic, educational, professional, and other organizations; and with citizens relative to programs, improvements, and financing necessary to the implementation of adopted planning policies.
- b) Employ such means of publicity and education as is necessary to promote public interest in and understanding of adopted planning policies.
- c) Accept and use gifts for the exercise of its functions.
- d) By its members, officers, and employees in the performance of their functions, enter upon any land and make examinations any surveys thereof.
- e) Exercise such other powers as may be necessary to enable it to fulfill its functions and to carry out the provisions of the North Dakota Century Code.

Article IX - Amendments

| These by-laws may be amended at any meeting of the ~~Planning~~ Commission by a simple majority of a quorum provided that notice of any proposed amendment is mailed to each member in writing at least five days prior to said meeting.

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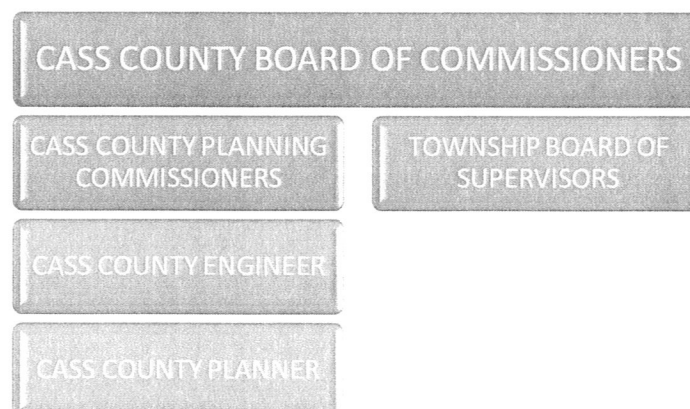
MISSION STATEMENT

To enhance the overall quality of life in Cass County through proactive growth management.

PLANNING GOALS IN SUPPORT OF MISSION

1. To manage growth by influencing the primary characteristics of growth: rate, amount, type, location, and quality.
2. To ensure that, if adequate infrastructure is not currently in place to accommodate growth, the supporting infrastructure is provided by the development.
3. To ensure Cass County's resources are used in a manner to provide the greatest long-term benefits to the citizens of Cass County as a whole.
4. To maintain a current Comprehensive Land Use Policy Plan and the tools to implement the plan. The plan is to be used as the County's primary planning policy.
5. To preserve Cass County's natural resources and natural environment.

COUNTY PLANNING ORGANIZATION



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PLANNING ORGANIZATION AND RESPONSIBILITIES

Cass County Board of Commissioners: Responsible for exercising all powers conveyed to it by the North Dakota Century Code including, but not limited to: restricting the use of buildings and structures and the use, condition of use, or occupancy of lands for residence, recreation, and other purposes. The ~~County~~ Board of Commissioners will not act on subdivision requests without hearing recommendations by both the ~~County~~ Planning Commission and the Township Board of Supervisors. Ultimate planning authority lies with the ~~County~~ Board of Commissioners.

~~Cass County~~ Planning Commission: ~~The Planning Commission~~serves as an advisory board to the ~~County Board of Commissioners~~. ~~The Planning Commission regulates the subdivision of land.~~ All subdivision applications and other planning issues will be referred to, and receive recommendations from, the ~~P~~lanning ~~e~~Commission prior to being placed on the County Commission agenda.

~~Cass~~ County Engineer: ~~The County Engineer~~serves as department head for the county planning staff and planning activities. The County Engineer reports to the ~~County~~ Board of Commissioners. The County Engineer works in cooperation with the Planning Commission.

~~Cass~~ County Planner: ~~The County Planner is t~~he primary staff member in the planning organization. The County Planner reports to the County Engineer. The County Planner works in cooperation with the Planning Commission.

~~Townships~~ Board of Supervisors: Townships ~~also~~ have ~~the~~ authority to regulate land use and ~~administer zoning conveyed to it by the North Dakota Century Code.~~ ~~The County regulates subdivision of land.~~ The century code ~~empowers townships with zoning authority and~~ further specifies that townships may relinquish this authority to the County. ~~With zoning authority, townships assume the responsibility for zoning.~~ Unless a township relinquishes its authority, the County relies on townships to properly regulate land use and administer zoning. The ~~Township Board of Supervisors work in cooperation with the~~ County. ~~and townships work in cooperation to regulate land use.~~

~~Small Cities~~Municipalities: ~~Municipalities have the authority to regulate the subdivision of land and administer zoning conveyed to it by the North Dakota~~ ~~The e~~Century ~~e~~Code. ~~empowers cities with zoning and subdivision authority.~~ The century code further specifies that municipalities may relinquish this authority to the County. Unless a municipality relinquishes its authority, the County relies on municipalities to properly regulate subdivision of land and administer zoning. ~~The County has no zoning or subdivision authority within cities unless the city chooses to relinquish its authority to the County. With~~

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~~zoning and subdivision authority, cities assume this responsibility. Unless a city relinquishes its authority, the County relies on cities to properly administer zoning and subdivision regulation. Municipalities~~ The County and cities work in cooperation with the County to properly regulate land use.

PLANNING ACTIVITIES AND FUNCTIONS

The planning organization ~~should~~shall focus its efforts on those activities necessary to achieve the County's mission and goals. ~~County~~ Planning funds should be expended on activities that benefit the County as a whole. Planning activities in support of an individual or a small group of individuals, such as subdivision review, should charge sufficient fees to generally cover all associated county costs.

Planning activities include:

1. Maintain a current Comprehensive Land Use Policy Plan to be used as the County's primary planning policy.
2. Maintain current subdivision regulations.
3. Review and approve/disapprove subdivision applications. Appropriate fees to be charged to recover county costs involved with subdivisions.
4. Provide training and educational opportunities for townships and ~~small cities~~municipalities in planning.
5. Provide assistance to the Fargo-Cass County Economic Development Corporation in evaluating perspective sites for economic development.
6. Provide assistance to townships and ~~small cities~~municipalities in updating their comprehensive plans and zoning ordinances.
7. Participate in special planning projects.
8. Hear appeals on orders or determinations of the Health Officer or designated officer related to Cass County on-site septic regulations.

NOTICE OF VIOLATION

Cass County Planning Office
1201 Main Avenue West
West Fargo, ND 58078



Phone: 701-298-2375
Fax: 701-298-2395
<http://www.casscountynd.gov>

Section:

1. Purpose
2. Regulations
3. Notice of Violation
4. Response by Owner
5. Opportunity to Present Evidence
6. Action by County Planner

Section 1. Purpose

The purpose of this section is to provide for Notice of Violation(s) of the Cass County Subdivision Ordinance.

Section 2. Regulations

Section 906 Penalties and Violations of the Cass County Subdivision Ordinance.

Any person, partnership, corporation, or limited liability company who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who or which sells, transfers, or agrees or enters into an agreement to sell or transfer any land in a subdivision or engages in the subdivision of land or erects any buildings thereon, in violation of any provision of the Cass County Subdivision Ordinance shall be guilty of a Class B Misdemeanor, with a maximum penalty of thirty (30) days imprisonment, a fine of one thousand (1,000) dollars, or both.

Each lot, tract, or parcel created or transferred and each building erected in a subdivision in violation of this Ordinance shall constitute a separate offense.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies therein provided.

A county auditor's plat made pursuant to North Dakota Century Code 57-02-39 is for taxation purposes for convenience of tax officials in describing property on tax rolls and does not confer rights in or transfer title to land. Therefore, this "platting" of Auditor's Lots is not "platting" pursuant to this Ordinance. Thus, an Auditor's Lot is not approved by the County for sale or development.

906.01 In addition to the penalties imposed in the event of violations, the Planning Commission may also institute and maintain appropriate legal proceedings in law or in equity before any Court of competent jurisdiction to restrain, correct, or abate violations including but not limited to, requiring compliance with all applicable provisions of this Ordinance, including the requirement of submitting the plans in compliance with the provisions of this Ordinance to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises.

906.02 If any lot, tract, or parcel of land is subdivided, the proper county authorities or any affected citizen or property owner, may also institute any appropriate action or proceedings in addition to other remedies to:

- A. Prevent such unlawful subdivision and related erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- B. Restrain, correct, or abate such violations.
- C. Prevent the occupancy or use of the building, structure, or land which has been unlawfully subdivided.
- D. Prevent any illegal act, conduct, business, or use in or about such premises.
- E. To vacate and nullify any recorded plat of such unlawful subdivision.

906.03 No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Board of County Commissioners has approved the Final Plat and such Plat is filed with the Cass County Recorder of Deeds.

906.04 Upon discovery of an alleged violation, the Planning Commission shall notify the township in which the affected property is located of the unlawful action and may request that the municipality refuse to issue any permit or grant any approval necessary to further improve or develop any real property held in violation of the requirements of this Ordinance.

906.05 No approval shall be granted to any subsequent phases of a development until all outstanding violations are abated and the project is in full compliance with the standards and conditions of this Ordinance.

NOTICE OF VIOLATION

Cass County Planning Office
1201 Main Avenue West
West Fargo, ND 58078



Phone: 701-298-2375
Fax: 701-298-2395
<http://www.casscountynd.gov>

Section 3. Notice of Violation

Whenever the County Planner finds a violation of the Cass County Subdivision Ordinance has occurred, he/she shall cause to be mailed, to the then current owner of record of the property, a Notice of Violation. Said Notice of Violation shall contain the following:

- A. Property Description. A description of the real property;
- B. Record Owner. The name(s) and address(es) of the owner(s) of record;
- C. Violations. A description of the violation(s) alleged;
- D. Explanation. An explanation as to why the subject parcel is not lawful under the relevant ordinance; and
- E. Corrective Action(s). A description of the issues that need to be corrected to avoid further prosecution including being guilty of a Class B Misdemeanor, with a maximum penalty of thirty (30) days imprisonment, a fine of one thousand dollars (\$1000), or both.

Section 4. Response by Owner

Within twenty-one (21) days of mailing the Notice of Violation described herein, the property owner(s) of record shall inform the County Planner in writing of his/her response to the Notice of Violation.

Section 5. Opportunity to Present Evidence

Based on the Corrective Action(s), the owner(s) of the property shall be given the opportunity to present any evidence relevant to show why a Notice of Violation should not be issued.

Section 6. Action by County Planner

After the owner has had the opportunity to present evidence, the County Planner shall take either of the following actions:

- A. Clearance Letter. Determine that there has been no violation and mail a clearance letter to the then current owner(s) of record; or
- B. Notice of Penalty. Determine that the property has been found in violation and mail a Notice of Penalty to the then current owner(s) of record.

Property Description:	
Record Owner(s):	
Violation(s):	
Explanation:	
Corrective Action(s):	

Acknowledgement: We hereby acknowledge that that the above information is true and complete to the best of our knowledge and that the primary contact named above will be contacted if any questions arise and when the plat has been approved and appropriate copies are ready for recording.

County Planner

Date:

Cass County Planning Commission Chair

Date: